

Civil Revision No. 263 2001
Old No. 651 of 1990

Hon. P.C. Pant, J.

None present for the revisionist.

Perused the impugned order dated 14.05.1990 passed by the trial court whereby application 3-C-2, moved under Order 23 Rule 3 of the Code of Civil Procedure, 1908, was rejected by the trial court. The perusal of the impugned order shows that the compromise was not signed by all the parties and was not verified by all. As such, there appears no illegality in the impugned order, whereby application 3-C-2 was rejected by the trial court to the extent as against those parties who did not sign the compromise. However, the compromise between the parties who signed and verified the compromise, the trial court has erred in law in rejecting it. The impugned order is set-aside to that extent.

Accordingly, the revision is disposed of with the above observation. Interim order dated 26.07.1990, whereby proceeding in Original Suit No. 71 of 1981, pending before the court of Additional Civil Judge (Senior Div.), Roorkee, was stayed, is vacated.

The registry shall inform the concerned court.

Dt. 22.03.2006
Sweta

(P.C. Pant, J.)